

REMARKS

In the Specification

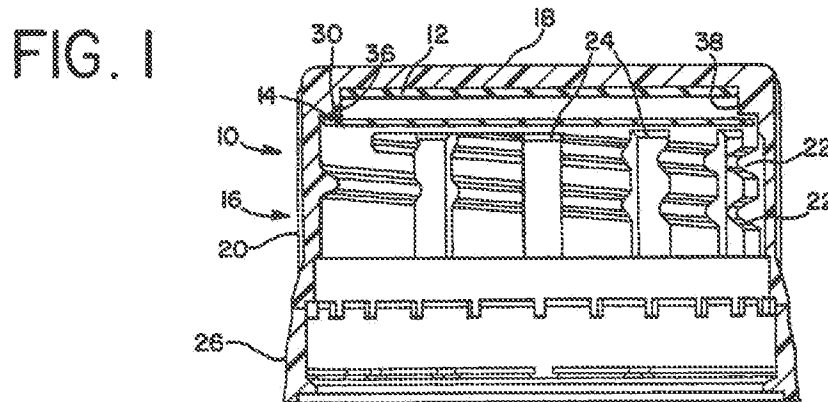
Paragraph [0015] has been amended to correct a minor informality. Paragraphs [0055.1]-[0055.4] have been added to provide a description of FIGS. 4-7. No new matter has been added.

In the Claims

Claims 1-43 are pending in the application, among which there is no claim 32 due to a numbering error in the original PCT application. Claims 1-4, 13, 17-19 and 22 have been amended herein and the remaining claims have been withdrawn from examination. It is submitted that, after the present amendment, claim 1 is still generic.

Claims 1-4, 13, 17-19 and 22 have been rejected under 35 USC 102(b) anticipated by USPN 5,356,021 to McBride, which discloses a container closure having a multiple liner seal. McBride, Abstract.

In particular, McBride teaches that a first seal element 12 is disposed against the inner side of top wall portion 18, and that a second seal element 14 having a diameter equal or smaller than the inner diameter of the closure is disposed against an annular abutment 30. McBride, FIG. 1, reproduced below:



McBride also teaches that second seal element 14 is disposed against annular abutment 30, but it is believed that McBride does not disclose that second seal element 14 is bonded or physically or chemically attached to top wall portion 18. Consequently, when the closure is removed from the container, second seal element 14 may fall out of the closure, or remain

disposed on the container. McBride, col. 4, ll. 21-24. McBride further teaches that it is first seal element 14 that provides a sealing action when the closure is re-applied to the container and second seal element 14 has been dislodged from the closure. McBride, Col. 4, ll. 34-42.

As shown, McBride does not teach or suggest that the diaphragm has an outer portion wider than an inner diameter of the capsule and that the outer portion is coupled to a perimeter of the open end of the capsule or to an inner wall of the capsule, as recited in Applicant's independent claim 1. In addition, Applicant's independent claim 1 does not require an annular abutment within the capsule for the diaphragm to rest on. Based on the foregoing, it is believed that McBride does not anticipate independent claim 1.

Claims 2-4, 13, 17-19 and 22 are not anticipated by McBride for the same reasons as independent claim 1 and for the additional limitations contained therein. For example, it is believed that McBride does not teach or suggest that second seal element 14 is bonded or physically or chemically attached to the open end or to the inner longitudinal wall of the capsule, as recited in Applicant's claim 2, or that the diaphragm is coupled to a perimeter of the open end of the capsule or to a flange extending therefrom, as recited in Applicant's claims 3 and 4.

For at least the foregoing reasons, the rejection of the pending claims under 35 USC 102(b) is respectfully traversed.

Conclusion

It is believed that all objections and rejections in the present application have been addressed and that the present application is now in condition for allowance. A notice to that effect is respectfully requested.

Date: March 18, 2008

Respectfully submitted,

/Franco A. Serafini/

Franco A. Serafini, Registration No.52,207

Attorney for Applicant

Tel. (858) 456-2898

Fax: (858) 225-3920

THEMIS INTELLECTUAL PROPERTY COUNSEL
7660 Fay Ave Ste H378
La Jolla, CA 92037